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09/916,325	07/30/2001	Moshe Weiner	Q64356	9182

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,325

Applicant(s)

WEINER, MOSHE

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/27/2004 have been fully considered but they are not persuasive. Applicant argues that the SSP's do not control the flow of data to a first device. The examiner, however, disagrees. Balachandran discloses an architecture independent application invocation over a telephony network.

Balachandran further discloses SSP's which allows subscribers to communicate with each other. Balanchandran further discloses wherein the SSP's allow simultaneous voice and data traffic to be communicated between the subscribers (col. 6, lines 28-49). Thus, broadly interpreted, the simultaneous connectivity (i.e., multiple sessions) allowed by the SSP's does read on controlling the flow of data.

Applicant further argues that Balachandran fails to disclose a key dedicated to control the session management server. The examiner disagrees. Balachandran discloses an environment wherein the control of an application resides at the subscriber device (col. 10, lines 7-10). Balachandran further discloses wherein the subscriber device has keys which control the device and further devices for viewing and inputting data (col. 7, lines 43-58, col. 4, line 66-col. 5, line 6).

Applicant also argues that Balachandran fails to discloses switching sessions because both voice and data are going on at the same time (claim 22). The examiner disagrees. Balachandran discloses wherein one application can be terminated while the application is still continued (col. 14, lines 33-50).

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Regarding claims 3, 11-13, 16, 17, 38 and 39, the examiner provides Wolfson, U.S. Patent No. 6,801,850 which discloses the well known functions of computer systems (i.e., zooming, fast forwarding, etc), (col. 6, lines 19-28, col. 23, line 38-42 and col. 23, line 65-col. 24, line 7).

Based on the above remarks, the rejections stand as set forth below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-10, 14, 15, 18-25 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Balachandran et al (Balachandran), U.S. Patent No. 6,208,642.

Regarding claims 1, 19 and 37, Balachandran discloses a system/method for managing a session comprising: a first device (14, 16, 18) that is able to receive data from a data source; and a session management server (22, 24) connected to the first device and the data source that controls the flow of data from the data source to the first device; wherein the first device is used to control the session management server (col. 6, lines 28-54).

Regarding claims 2 and 20, Balachandran discloses the session management system of claim 1, wherein the first device further comprises a control device that is used to control the session management server (col. 7, lines 39-58).

Regarding claims 4 and 5, Balachandran discloses the session management system of claim 1, wherein the first device is a personal data assistant and a personal computer.

Regarding claim 6, Balachandran discloses the session management system of claim 1, wherein the data source is the Internet (col. 11, lines 43-58).

Regarding claim 7, Balachandran discloses the session management system of claim 1, wherein the data source is a WAP gateway (col. 11, lines 43-58).

Regarding claim 8, Balachandran discloses the session management system of claim 2, wherein the control device comprises at least one key (keypad used for dialing) (col. 7, lines 39-58).

Regarding claim 9, Balachandran discloses the session management system of claim 8, wherein the at least one key is dedicated to control only the session management server (col. 7, lines 39-58).

Regarding claim 10, Balachandran discloses the session management system of claim 8, wherein the at least one key performs other functions in addition to controlling the session management server (col. 7, lines 39-58).

Regarding claim 14, Balachandran discloses the session management system of claim 1, further comprising a modem that connects the first device to the session management server (col. 6, lines 31-41).

Regarding claim 15, Balachandran discloses the session management system of claim 1, wherein the session management server performs a data manipulation function (col. 6, lines 28-54).

Regarding claim 18, Balachandran discloses the session management system of claim 15, wherein the session management server continues to receive data from the data source while the data manipulation function is being performed (col. 6, lines 28-54).

Regarding claim 21, Balachandran discloses the session management system of claim 19, wherein the session management server continues to receive data for the first device from the data source when the first device is involved in another session (col. 6, lines 28-54).

Regarding claim 22, Balachandran discloses the session management system of claim 20, wherein the control device allows the first device to switch from one session to another session (col. 6, lines 28-54).

Regarding claim 23, Balachandran discloses the session management system of claim 19, wherein one of the sessions is a data session and another session is a voice session (col. 6, lines 28-54).

Regarding claim 24, Balachandran discloses the session management system of claim 19, wherein the session management server buffers data for the first device from the data source when the first device is involved in another session (col. 6, lines 28-54).

Regarding claim 25, Balachandran discloses the session management system of claim 19, wherein the session management server controls the flow of data for the first

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device from the data source when the first device is involved in another session (col. 6, lines 28-54).

4. Claims 26-36, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by applicant's own admission in the specification of the present invention.

Regarding claims 26-36, 40 and 41, the applicant teaches a convention system/apparatus that teaches the management session method as claimed in claims 26-36, 40 and 41 (specification, page 1, line 11-page 2, line 22).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 11-13, 16, 17, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran.

Regarding claims 3, 11-13, 16, 17, 38 and 39, Balachandran discloses the session management system of claims 1 and 37 as described above.

Balachandran, however, fails to specifically disclose the limitations as described in claims 3, 11-13, 16, 17, 38 and 39. The examiner, however believes that the above limitations would not render the claims patentable over the applied references because

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they merely depend on the type of system (i.e., cellular) and functions (zooming, fast forward) one would like to use to enhance the system of Balachandran without changing the scope of the invention of the applied reference. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify, Balachandran with the above limitations in order to provide for more flexible ways to transmit and receive voice/data calls.

7. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran in view of Gorsuch et al (Gorsuch), U.S. Patent No. 6,526,281

Regarding claims 42 and 43, Balachandran discloses the system of claims 1 and 19 as described above. Balachandran, however, fails to disclose a spoofing function by the management server.

In a similar field of endeavor, Gorsuch discloses dynamic bandwidth allocation to transmit a wireless protocol across a CDMA radio link:

Gorsuch further discloses a spoofing function (col. 4, lines 23-29, col. 5, line 58-col. 6, line 3).

At the time of invention, it would have been obvious to a person ordinary skill in the art to modify Balachandran with the teachings of Gorsuch for the purpose making the network believe that a communication is going on.



***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

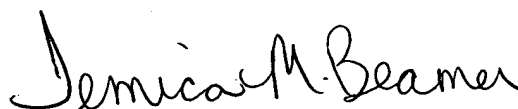
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Primary Examiner  
Art Unit 2681

August 8, 2005



**TEMICA BEAMER**  
**PRIMARY EXAMINER**